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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,920	06/01/2001	Linda D. Edd	IBM/199	1378

26517 7590 03/01/2005

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EXAMINER

BASHORE, WILLIAM L

ART UNIT PAPER NUMBER

2176

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/871,920	Applicant(s) EDD ET AL.	
	Examiner William L. Bashore	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
 4a) Of the above claim(s) 52-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/29/02, 8/20/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: response to Restriction Requirement, said response filed 11/5/2004, to the original application filed 6/1/2001. IDS filed 8/20/2001, and 1/29/2002.
2. Claims 1-58 pending. As per response to Restriction Requirement (see below) Group I (claims 1-51) has been elected without traverse for examination on the merits. Within claims 1-51, claims 1, 32, 50 are independent.

Election/Restrictions

3. Applicant's election without traverse of Group I (claims 1-51) in the reply filed on 11/5/2004, is acknowledged.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The claimed invention, as claimed in claims 32-51, is directed to non-statutory subject matter.

In regard to independent claim 32, claim 32 claims "*a program configured to...*". Said claim is non-statutory as not being tangibly embodied in a manner to be executable for its intended purpose. The examiner's suggestion of amending said claim to read "*a program tangibly embodied on a computer executable medium, configured to...*" will overcome this rejection.

Art Unit: 2176

In regard to dependent claims 33-49, claims 33-49 are rejected for fully incorporating the deficiencies of their respective base claims.

In regard to independent claim 50, and claim 51, claim 50 claims "*a program configured to...*". Said claim is non-statutory as not being tangibly embodied in a manner to be executable for its intended purpose. The examiner suggests amendment of claim 50 to read "*a program tangibly embodied on a computer executable medium, configured to...*". In addition, claim 50 and 51 claim "*a signal bearing medium*" and "*a transmission medium*". Since Applicant defines a transmission medium as communication links (page 11 of Specification), said recitations are non-statutory as not being tangibly embodied in a manner to be executable for its intended purpose.

Examiner's Note

6. The following rejections are based on a possible interpretation of claims 32-51 as directed to statutory subject matter, and incorporating the examiner's suggestions as explained above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2176

8. **Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivanov (hereinafter Ivanov), U.S. Patent No. 5,706,452 filed December 6, 1995, in view of Klibaner (hereinafter Klibaner), published U.S. Application No. US 2002/0161597, filed June 28, 2000.**

In regard to independent claim 1, Ivanov teaches management of content in a content controlled database. Ivanov teaches a documents/Reviews Database along with a Workflow Graph Description and Workflow Manager for managing said content database (Ivanov Figure 2 items 30, 38, 40, also column 7 lines 1-67, column 8 lines 15-20, 34-52).

Ivanov teaches processing via a plurality of stages for review and finalization (i.e. "approval") (Ivanov column 8 lines 44-67, column 27 lines 10-11). Various stages/reviews are updated (promoted) accordingly (Ivanov column 23 lines 50-64, column 24 lines 5-13).

Ivanov teaches an embodiment including an approval/rejection process for a product proposal in a software company (Ivanov column 26 lines 30-67, column 27 lines 1-12). Ivanov does not specifically teach that the final content is promoted by making said content "user accessible" in a database. However, Klibaner teaches a dispute resolution process incorporating various parties, as well as a database for holding content information (Klibaner Figure 1, also paragraph [0025]). Klibaner teaches content may be available to all parties, or some parties, etc., as well as teaching levels of confidentiality and an option: "decision can be published" (Klibaner paragraphs [0048] and [0070]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Klibaner's confidentiality/publishing options to Ivanov's product proposal database, providing users of Ivanov's content database the capability of publically accessing various important related information from its database pending final resolution.

In regard to dependent claim 2, Ivanov teaches Lotus Notes, coupled with a database and workflow managers, all integrated via network to provide a "groupware" type environment to a plurality of users (Ivanov column 7 lines 22-43).

In regard to dependent claims 3-7, 9, Ivanov teaches a content database with an associated Workflow Graph Description, said content typically indexed accordingly (i.e. identifiers, etc.), documents are also updated accordingly and indexed between said Graph Description and Content Database (Ivanov Figure 2). Ivanov also teaches current stages (Ivanov column 15 lines 1-10, 42-44).

In regard to dependent claim 8, Ivanov does not specifically teach a Website on the Internet. However, Klibaner teaches a Website on the Internet (Klibaner Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Klibaner to Ivanov, providing Ivanov the benefit of the World Wide Web for access from remote locales.

In regard to dependent claims 10-18, 21-31, Ivanov teaches a preparer (i.e. topic owner) resubmitting rejected proposals (Ivanov column 26 lines 44-50, column 27 lines 15-20), each submission can be interpreted as a draft (i.e. in development stages), pending final approval, with the entire approval process stating over (updating) accordingly, various entities notified accordingly via E-mail (see also Ivanov column 5 lines 24-30). In addition, Ivanov teaches copyright reviewers (Ivanov column 26 lines 59-64), copyright laws are generally country specific, as well as recording specific dates (Ivanov column 23 lines 60-62, column 15 lines 42-45).

In regard to dependent claims 19-20, Ivanov teaches various stages for document content review. Ivanov does not specifically teach copying content to a Web server. However, Klibaner teaches a Website (i.e. a Web server) drawing content from a database (Klibaner Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Klibaner to Ivanov, providing Ivanov the benefit of a Web server for users to access a content database.

Art Unit: 2176

In regard to independent claim 32, claim 32 reflects the apparatus comprising computer executable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

In addition, Ivanov teaches a memory (Ivanov column 18 lines 37-40).

In regard to dependent claims 33-49, claims 33-49 reflect the apparatus comprising computer executable instructions used for implementing the methods as claimed in claims 2-31, and are rejected along the same rationale.

In regard to independent claim 50, and dependent claim 51, claim 50 reflects the computer program product comprising computer executable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

In addition, Ivanov teaches a memory, and a network (utilizing mediums, etc.) (Ivanov column 18 lines 37-40, column 7 lines 22-31).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM L. BASHORE
PATENT EXAMINER
TECH CENTER 2100

February 20, 2005